

House File 2559

H-8204

1 Amend House File 2559 as follows:

2 1. Page 21, after line 27 by inserting:

3 <DIVISION ____

4 COLLECTIVE BARGAINING

5 Sec. _____. Section 20.1, subsection 2, paragraph a, Code
6 2022, is amended to read as follows:

7 a. Determining appropriate bargaining units, amending
8 the composition of previously determined bargaining units
9 represented by a certified employee organization, reconsidering
10 and altering the composition of previously determined
11 bargaining units which are not represented by a certified
12 employee organization, and conducting representation elections.

13 Sec. _____. Section 20.3, subsection 11, Code 2022, is amended
14 by adding the following new paragraphs:

15 NEW PARAGRAPH. g. An employee of the Iowa department of
16 corrections who is responsible for the custody and supervision
17 of inmates through ongoing direct inmate contact, to enforce
18 and maintain discipline, safety, and security within a
19 correctional facility.

20 NEW PARAGRAPH. h. A jailer or detention officer who
21 performs duties as a jailer, including but not limited to the
22 transportation of inmates, who is certified as having completed
23 jailer training pursuant to chapter 80B, and who is employed
24 by a county as a jailer.

25 NEW PARAGRAPH. i. An emergency dispatcher for a county
26 sheriff.

27 NEW PARAGRAPH. j. A probation or parole officer employed by
28 the Iowa department of corrections.

29 NEW PARAGRAPH. k. A residential officer employed by
30 the department of corrections working at a community-based
31 corrections residential facility.

32 Sec. _____. Section 20.13, Code 2022, is amended to read as
33 follows:

34 20.13 Bargaining unit determination, amendment, and
35 reconsideration.

1 1. ~~Board~~ The board's determination of an appropriate
2 bargaining unit shall be upon petition filed by a public
3 employer, public employee, or employee organization. Except
4 as provided in subsection 4, the board's amendment of the
5 composition of a represented bargaining unit shall be upon
6 petition filed by the employer or certified representative
7 of the bargaining unit. The board's reconsideration of the
8 composition of a previously determined bargaining unit which is
9 not represented by a certified representative shall be upon the
10 combined petition of an employee organization which also seeks
11 a representation election pursuant to section 20.14, subsection
12 2.

13 2. Within thirty days of receipt of a petition, the board
14 shall conduct a public hearing, receive written or oral
15 testimony, and promptly thereafter file an order defining
16 the appropriate bargaining unit, amending or refusing to
17 amend the composition of a represented bargaining unit or
18 reconsidering and altering or refusing to alter the composition
19 of an unrepresented bargaining unit. In defining the unit,
20 or determining whether a unit should be amended or altered
21 in response to a petition for amendment or reconsideration,
22 the board shall take into consideration, along with other
23 relevant factors, the principles of efficient administration
24 of government, the existence of a community of interest among
25 public employees, the history and extent of public employee
26 organization, geographical location, and the recommendations
27 of the parties involved.

28 ~~3. Appeals from such order shall be governed by the~~
29 ~~provisions of chapter 17A.~~

30 ~~4.~~ 3. Professional and nonprofessional employees shall not
31 be included in the same bargaining unit unless a majority of
32 both agree.

33 4. Notwithstanding the provisions of subsection 1, a
34 petition to amend the composition of a represented bargaining
35 unit by the removal of public safety employees may be filed

1 by a public safety employee who is a member of the bargaining
2 unit. If the petition is accompanied by evidence satisfactory
3 to the board that the public safety employees in the bargaining
4 unit do not constitute at least thirty percent of the employees
5 in the unit and that a majority of the public safety employees
6 in the unit support the petition, the board shall conduct
7 a hearing within thirty days of its finding such evidence
8 satisfactory and shall promptly thereafter issue an order
9 granting or denying the requested amendment. If the board
10 amends the composition of the bargaining unit by removing
11 public safety employees, those employees may immediately be the
12 subject of a separate bargaining unit determination petition
13 filed in accordance with subsection 1.

14 5. Appeals from such orders shall be governed by the
15 provisions of chapter 17A.

16 Sec. _____. Section 20.15, Code 2022, is amended by striking
17 the section and inserting in lieu thereof the following:

18 **20.15 Elections.**

19 1. Upon the filing of a petition for certification of an
20 employee organization, the board shall submit a question to
21 the public employees at an election in the bargaining unit
22 found appropriate by the board. The question on the ballot
23 shall permit the public employees to vote for no bargaining
24 representation or for any employee organization which has
25 petitioned for certification or which has presented proof
26 satisfactory to the board of support of ten percent or more of
27 the public employees in the appropriate unit.

28 2. If a majority of the votes cast on the question is
29 for no bargaining representation, the public employees in
30 the bargaining unit found appropriate by the board shall not
31 be represented by an employee organization. If a majority
32 of the votes cast on the question is for a listed employee
33 organization, then that employee organization shall represent
34 the public employees in the bargaining unit found appropriate
35 by the board.

1 3. If none of the choices on the ballot receives the vote
2 of a majority of the public employees voting, the board shall
3 conduct a runoff election among the two choices receiving the
4 greatest number of votes.

5 4. Upon written objections filed by any party to the
6 election within ten days after notice of the results of
7 the election, if the board finds that misconduct or other
8 circumstances prevented the public employees eligible to
9 vote from freely expressing their preferences, the board may
10 invalidate the election and hold a second election for the
11 public employees.

12 5. Upon completion of a valid election in which the majority
13 choice of the employees voting is determined, the board shall
14 certify the results of the election and shall give reasonable
15 notice of the order to all employee organizations listed on the
16 ballot, the public employers, and the public employees in the
17 appropriate bargaining unit.

18 6. *a.* A petition for certification as exclusive bargaining
19 representative of a bargaining unit shall not be considered
20 by the board for a period of one year from the date of the
21 noncertification of an employee organization as the exclusive
22 bargaining representative of that bargaining unit following a
23 certification election. A petition for certification as the
24 exclusive bargaining representative of a bargaining unit shall
25 also not be considered by the board if the bargaining unit is
26 at that time represented by a certified exclusive bargaining
27 representative.

28 *b.* A petition for the decertification of the exclusive
29 bargaining representative of a bargaining unit shall not be
30 considered by the board for a period of one year from the date
31 of its certification, or within one year of its continued
32 certification following a decertification election, or during
33 the duration of a collective bargaining agreement which, for
34 purposes of this section, shall be deemed not to exceed two
35 years. However, if a petition for decertification is filed

1 during the duration of a collective bargaining agreement, the
2 board shall award an election under this section not more than
3 one hundred eighty days and not less than one hundred fifty
4 days prior to the expiration of the collective bargaining
5 agreement. If an employee organization is decertified, the
6 board may receive petitions under section 20.14, provided that
7 no such petition and no election conducted pursuant to such
8 petition within one year from decertification shall include as
9 a party the decertified employee organization.

10 7. A collective bargaining agreement with the state, its
11 boards, commissions, departments, and agencies shall be for two
12 years. The provisions of a collective bargaining agreement or
13 arbitrator's award affecting state employees shall not provide
14 for renegotiations which would require the refinancing of
15 salary and fringe benefits for the second year of the term of
16 the agreement, except as provided in section 20.17, subsection
17 6. The effective date of any such agreement shall be July 1 of
18 odd-numbered years, provided that if an exclusive bargaining
19 representative is certified on a date which will prevent the
20 negotiation of a collective bargaining agreement prior to
21 July 1 of odd-numbered years for a period of two years, the
22 certified collective bargaining representative may negotiate
23 a one-year contract with the public employer which shall be
24 effective from July 1 of the even-numbered year to July 1
25 of the succeeding odd-numbered year when new contracts shall
26 become effective.

27 Sec. _____. Section 22.7, subsections 69 and 70, Code 2022,
28 are amended to read as follows:

29 69. The evidence of public employee support for
30 the certification, ~~retention and recertification~~, or
31 decertification of an employee organization as defined in
32 section 20.3 that is submitted to the public employment
33 relations board as provided in [section 20.14](#) or [20.15](#).

34 70. Information indicating whether a public employee
35 voted in a certification, ~~retention and recertification~~, or

1 decertification election held pursuant to [section 20.15](#) or
2 how the employee voted on any question on a ballot in such an
3 election.

4 Sec. _____. Section 602.1401, subsection 3, paragraph b, Code
5 2022, is amended to read as follows:

6 b. For purposes of [chapter 20](#), the certified representative,
7 which on July 1, 1983, represents employees who become judicial
8 branch employees as a result of [1983 Iowa Acts, ch. 186](#), shall
9 remain the certified representative when the employees become
10 judicial branch employees and thereafter, unless the public
11 employee organization is ~~not retained and recertified or is~~
12 decertified in an election held under [section 20.15](#) or amended
13 or absorbed into another certified organization pursuant to
14 chapter 20. Collective bargaining negotiations shall be
15 conducted on a statewide basis and the certified employee
16 organizations which engage in bargaining shall negotiate on a
17 statewide basis, although bargaining units shall be organized
18 by judicial district. The public employment relations board
19 shall adopt rules pursuant to [chapter 17A](#) to implement this
20 subsection.

21 Sec. _____. Section 905.4, subsection 2, Code 2022, is amended
22 to read as follows:

23 2. Employ a director having the qualifications required by
24 section 905.6 to head the district department's community-based
25 correctional program and, within a range established by the
26 Iowa department of corrections, fix the compensation of and
27 have control over the director and the district department's
28 staff. For purposes of collective bargaining under chapter
29 20, employees of the district board who are not exempt from
30 chapter 20 are employees of the state, and the employees of all
31 of the district boards shall be included within one collective
32 bargaining unit. Furthermore, employees of the district board
33 shall be considered state employees for purposes of section
34 8A.415, subsection 2.

35 Sec. _____. DIRECTIVES TO PUBLIC EMPLOYMENT RELATIONS BOARD.

1 1. The public employment relations board shall cancel any
2 elections scheduled or in process pursuant to section 20.15,
3 subsection 2, Code 2022, as of the effective date of this
4 division of this Act.

5 2. Notwithstanding section 20.15, subsection 1, paragraph
6 "c", Code 2022, the public employment relations board
7 shall consider a petition for certification of an employee
8 organization as the exclusive representative of a bargaining
9 unit for which an employee organization was not retained and
10 recertified as the exclusive representative of that bargaining
11 unit regardless of the amount of time that has elapsed since
12 the retention and recertification election at which an employee
13 organization was not retained or recertified.

14 DIVISION ____

15 HEALTH INSURANCE COVERAGE — SURVIVING SPOUSE AND CHILDREN OF
16 CERTAIN DEPARTMENT OF CORRECTIONS EMPLOYEES

17 Sec. _____. Section 509A.13D, subsection 3, Code 2022, is
18 amended to read as follows:

19 3. The governing body of the state shall ~~not~~ be required
20 to pay for the full cost of the health insurance under this
21 section; ~~however, the governing body of the state may pay the~~
22 ~~full cost or a portion of the cost of the health insurance. If~~
23 ~~the full cost or a portion of the cost of the coverage is not~~
24 ~~paid by the governing body of the state, the surviving spouse~~
25 ~~and each surviving child who is eligible for health insurance~~
26 ~~under this section may elect to continue coverage by paying~~
27 ~~that portion of the cost of the health insurance not paid by~~
28 ~~the governing body of the state.~~

29 DIVISION ____

30 ASSAULTS ON PERSONS ENGAGED IN CERTAIN OCCUPATIONS

31 Sec. _____. Section 708.3A, subsections 3 and 4, Code 2022,
32 are amended to read as follows:

33 3. A person who commits an assault, as defined in section
34 708.1, against a peace officer, jailer, correctional staff,
35 member or employee of the board of parole, health care

1 provider, employee of the department of human services,
2 employee of the department of revenue, civilian employee of a
3 law enforcement agency, civilian employee of a fire department,
4 or fire fighter, whether paid or volunteer, who knows that
5 the person against whom the assault is committed is a peace
6 officer, jailer, correctional staff, member or employee of
7 the board of parole, health care provider, employee of the
8 department of human services, employee of the department
9 of revenue, civilian employee of a law enforcement agency,
10 civilian employee of a fire department, or fire fighter, and
11 who causes bodily injury or mental illness, is guilty of an
12 ~~aggravated misdemeanor~~ a class "D" felony.

13 4. Any other assault, as defined in [section 708.1](#), committed
14 against a peace officer, jailer, correctional staff, member
15 or employee of the board of parole, health care provider,
16 employee of the department of human services, employee of the
17 department of revenue, civilian employee of a law enforcement
18 agency, civilian employee of a fire department, or fire
19 fighter, whether paid or volunteer, by a person who knows
20 that the person against whom the assault is committed is a
21 peace officer, jailer, correctional staff, member or employee
22 of the board of parole, health care provider, employee of
23 the department of human services, employee of the department
24 of revenue, civilian employee of a law enforcement agency,
25 civilian employee of a fire department, or fire fighter, is a
26 ~~serious misdemeanor~~ an aggravated misdemeanor.

27 Sec. _____. Section 708.3A, Code 2022, is amended by adding
28 the following new subsections:

29 NEW SUBSECTION. 4A. Any person who commits an assault,
30 as defined in section 708.1, against a jailer or correctional
31 staff while the person is in the custody and control of the
32 department of corrections in a correctional institution,
33 community-based correctional facility, or an institution under
34 the management of the Iowa department of corrections which
35 is used for the purposes of confinement of persons who have

1 committed public offenses, or a county jail or other facility
2 used for purposes of confinement of persons who have committed
3 public offenses, shall, upon conviction of a violation of
4 this section, in addition to any other sentence imposed, lose
5 one-half of all earned time accumulated pursuant to section
6 903A.2 for a first conviction, and shall lose all earned
7 time accumulated pursuant to section 903A.2 for a second or
8 subsequent conviction.

9 NEW SUBSECTION. 4B. If the county attorney of the county
10 where a violation of this section occurs against a jailer
11 or correctional staff by a person who is in the custody
12 and control of the department of corrections while in any
13 correctional institution or a county jail or other facility
14 used for purposes of confinement fails to prosecute the case
15 against the person, the area prosecutions division of the
16 attorney general's office may elect to prosecute the case.

17 DIVISION ____

18 DEPARTMENT OF CORRECTIONS

19 Sec. _____. Section 904.108, subsection 1, Code 2022, is
20 amended by adding the following new paragraphs:

21 NEW PARAGRAPH. *p.* Establish a training program for
22 employees of the department with ongoing direct contact with
23 inmates in self-defense and other de-escalation techniques when
24 confronted with potentially violent interactions involving
25 inmates. The training program shall include an in-person
26 component.

27 NEW PARAGRAPH. *q.* Establish uniform safety practices to
28 be implemented at all correctional institutions under the
29 control of the department that provide guidelines designed to
30 protect the safety of employees and inmates at correctional
31 institutions.

32 NEW PARAGRAPH. *r.* Adopt rules to allow an employee of
33 the department who has witnessed a trauma event to take
34 between five and thirty days of paid leave depending upon the
35 severity of the trauma event. If the appointing authority of a

1 correctional institution determines that an employee has been
2 held hostage, the employee shall be eligible for a paid leave
3 of absence of up to ninety days, as determined by a licensed
4 physician, to allow for recovery from mental and physical
5 stress and any related conditions. Such paid leave shall not
6 be charged against the employee's sick leave account.

7 NEW PARAGRAPH. s. Establish protocols for allowing
8 employees of the department with ongoing direct contact with
9 inmates access to information identified in section 904.602,
10 subsection 2, for purposes of the administration of the
11 department's programs of services or assistance to inmates.

12 Sec. _____. DEPARTMENT OF CORRECTIONS — CONTRACT
13 EMPLOYEES. The Iowa department of corrections shall not enter
14 into an employment contract with a person to perform a function
15 of the department and provide the contract employee with pay or
16 benefits in excess of pay and benefits provided an employee of
17 the state performing similar work.

18 Sec. _____. DEPARTMENT OF CORRECTIONS — CONTRABAND AND
19 SURVEILLANCE CAMERAS — TRAUMA EVENTS.

20 1. For fiscal years beginning on or after July 1, 2022,
21 the department of corrections shall increase funding for
22 screening for contraband and surveillance cameras at all state
23 correctional facilities and for upgrades to provide for an
24 enhanced technology system to improve the safety and efficiency
25 of operations at all state correctional facilities.

26 2. The department of corrections shall amend its
27 administrative rules pursuant to chapter 17A to allow an
28 employee of the department who has witnessed a trauma event to
29 take between five and thirty days of paid leave depending upon
30 the severity of the trauma event. If the appointing authority
31 of a correctional institution determines that an employee
32 has been held hostage, the employee shall be eligible for a
33 paid leave of absence of up to ninety days, as determined by
34 a licensed physician, to allow for recovery from stress and
35 any related conditions. Such paid leave shall not be charged

1 against the employee's sick leave account.>

2 2. Title page, line 1, after <system> by inserting <, and
3 certain department of corrections matters including collective
4 bargaining, health insurance coverage for surviving spouses
5 and children, and assaults on persons engaged in certain
6 occupations>

7 3. By renumbering as necessary.

PRICHARD of Floyd